

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

MICKAIL MYLES, an individual,

Plaintiff,

v.

COUNTY OF SAN DIEGO, by and through the SAN DIEGO COUNTY SHERIFF'S DEPARTMENT, a public entity; and DEPUTY J. BANKS, an individual,

Defendants.

Case No. 3:15-cv-01985-JAH-BLM

**ORDER GRANTING DEFENDANTS' APPLICATION [Doc. No. 456]**

On November 14, 2022, Plaintiff filed a motion for sanctions and attorney fees and costs, (Doc. No. 445), and Defendants filed a motion for a new trial and a motion for judgment as a matter of law, (Doc. Nos. 447, 448). On November 18, 2022, the Court set a briefing schedule requiring the parties to respond to the other's motion on or before December 5, 2022. On November 30, 2022, Defendants filed an application seeking an order continuing the briefing on Plaintiff's motion until after the Court issues an order on the motion for a new trial and motion for a judgment as a matter of

1 law.<sup>1</sup> Defendants contend an order granting either of their motions will impact  
2 Plaintiff's motions for sanctions and fees. In the alternative, they seek an extended  
3 briefing schedule on Plaintiff's motion.

4 Plaintiff opposes the motion and argues it is frivolous to believe Defendant will  
5 prevail on either of their pending motions, in light of the jury's verdict. Plaintiff  
6 further argues Defendants already received additional time to respond to the motion  
7 through the Court's briefing schedule. Upon consideration of the motion and  
8 Plaintiff's response in opposition, IT IS HEREBY ORDERED

- 9       1. Defendants' application is **GRANTED**;  
10      2. The briefing on Plaintiff's motion for sanctions and attorney fees and  
11 costs is VACATED to be rescheduled following the Court's order addressing  
12 Defendant's motion for a new trial and motion for a judgment as a matter of law.

13      **IT IS SO ORDERED.**

14 DATED: December 2, 2022

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16 THE HON. JOHN A. HOUSTON  
17 UNITED STATES DISTRICT JUDGE  
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28      <sup>1</sup> Defendants originally filed an application seeking the same relief on November 28,  
29 which they later withdrew and filed the pending application.